

REMARKS

Claims 1-9 were canceled in the Preliminary Amendment. Non-elected Claims 10-15 and 19-30 have been canceled. The remaining claims are directed to the elected invention, claims 16-18, and to claims which depend on claim 16. No new matter or new issues have been added.

Claims 16-18 are rejected under 35 U.S.C. 103(a) over Kruse *et al.*

This is a Divisional application in which method-of-treatment claims have been elected for examination. Composition claims of similar scope were rejected over Kruse *et al.* in the parent case and those claims were narrowed during prosecution and allowed (see U.S. 6,645,95).

Accordingly, the scope of the compounds recited in the present methods are amended herein to correspond with the '950 patent claims.

Furthermore, a person of skill in the art would not have predicted the high activity of the claimed compounds against solid cancerous tumors simply by knowing of the anti-neoplastic activity of oncodazole analogues reported by Kruse *et al.*, and the anti-mitotic activity of the benzamidazoles disclosed by Nare *et al.* The present compounds are reversible tubulin binding inhibitors and consequently would not be expected to have significant anti-mitotic activity. Relative to irreversible tubulin bind inhibitors (e.g. vinca alkaloids) our compounds are very weak cytotoxins *in vitro*.

Claims 16-18 are rejected under 35 U.S.C. 112, second paragraph.

The generic formula is now recited in the main claim, as the Examiner suggested.

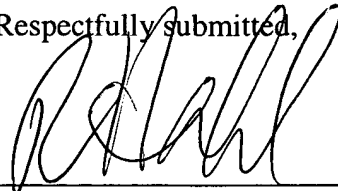
Claims 16-18 are rejected under 35 U.S.C. 112, first paragraph, objecting to the term "prophylaxis." The claims now recite a method for treatment, as opposed to prophylaxis.

AUTHORIZATION

Applicant believes there are no additional fees due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should be directed to our address given below.

Respectfully submitted,



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